

**BEFORE THE REGIONAL FORESTER,  
REGION ONE OF THE UNITED STATES FOREST SERVICE**

**In Re: Objection of Bottom Canyon    )  
Environmental Assessment and        )  
Draft Decision Notice                 )  
Coeur d’Alene River Ranger District )**

**KOOTENAI ENVIRONMENTAL ALLIANCE, OBJECTOR  
P.O. BOX 1598  
Coeur d’Alene, ID 83816-1598  
(208) 667-9093**

**DATED this \_7th\_\_\_ day of July, 2015**

**By \_/s/ Mike Mihelich  
Forest Watch Coordinator  
Kootenai Environmental Alliance  
P.O. Box 1598  
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**Introduction**

NOTICE IS HEREBY GIVEN that the Kootenai Environmental Alliance (KEA), objects pursuant to 36 CFR § 218.7 to the Regional Forester, Region One of the United States Forest Service, from the Bottom Canyon Environmental Assessment (EA) and draft DN prepared for the Bottom Canyon project, located on the Coeur d’Alene River Ranger District of the Idaho Panhandle National Forests. Idaho Panhandle National Forest Supervisor Mary Farnsworth is the Responsible Official for this project. Legal Notice in the Newspaper of Record that states this project is subject to Healthy Forests Restoration Act (HFRA) predecisional objection procedures (36 CFR § 218, subparts A and C. Legal Notice was published in the Newspaper of Record on June 10, 2015.

The legal notice indicates objections may be submitted by email to [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us) This Objection is being submitted electronically.

KEA is objector (per 36 CFR§218.7(2) direction). KEA will be referred to as ‘objector’ or ‘the objector’.

KEA is a non-profit organization dedicated to maintaining, protecting, and restoring the native ecosystems of north Idaho. KEA has an organizational interest in the proper and lawful management of the Idaho Panhandle National Forests, and especially the Coeur d'Alene River Ranger District. KEA's members and staff participate in a wide range of recreational activities on the IPNF.

KEA claims standing to participate in the public land decision-making process on the grounds that it has been involved in National Forest management issues for over 21 years. Our members have hiked, fished, and photographed in the IPNF. The procedural harm and physical impacts associated with this project detract from the ability of our members to be involved in the decision-making process of our public lands.

In addition, KEA members are taxpayers that are required to pay for the activities discussed within the Bottom Canyon EA. The irretrievable commitments of financial resources associated with this project are also borne by the American people as a whole. KEA claims partial ownership of the public lands covered by this project and consequently has legal standing to participate in the process and object to those projects it finds unacceptable and inconsistent with applicable laws and regulations.

Objector has participated in the comment process associated with this project. Objector is objecting to this project on the grounds the decision is legally indefensible. Objector contends that with this project, Forest Supervisor Mary Farnsworth and the IPNF violate the National Environmental Policy Act (NEPA), the Appeals Reform Act (ARA), the Healthy Forests Restoration Act (HFRA), the Clean Water Act (CWA), Idaho Water Quality Standards, the National Forest Management Act (NFMA), IPNF Forest Plan, as well as the Administrative Procedures Act (APA).

The Objector desires and will request relief that includes:

- Instruction to include an revised alternative that does not allow cutting of crown/overstory trees greater than 8 inches DBH outside of the Defensible Fire Space (DFS) and only if absolutely necessary for public health and safety inside the DFS.

## **Statement of Facts**

The Forest Supervisor proposes to implement Alternative 3 that would log approximately 2,272 acres of National Forest System lands. Alternative 3 would remove approximately 27 million board feet, (27 MMBF), with 3.4 miles of permanent new roads being built and also 2.0 miles of new temporary roads being built.

The EA does not describe the percent of the logging that would take place in the Defensible Fire Space (DFS), and in the General Forest area. There is no high quality information provided in the financial discussions as to sources of funds to perform all

required activities in the event one or more Bottom Canyon timber sales were sold at below cost.

Table 3 on page 16 of the EA contains a summary of proposed activities associated with both Alternatives 2 and 3.

The Objector provided substantive, written comments in response to Bottom Canyon scoping notice.

36 CFR§218.7(c) states that incorporation of documents by reference in predecisional objections is not allowed.

## **Arguments**

The ensuing arguments will demonstrate the Bottom Canyon Area EA and Draft DN will violate the National Environmental Policy Act (NEPA), the Appeals Reform Act (ARA), the Healthy Forests Restoration Act (HFRA), the CWA, Idaho WQS, the National Forest Management Act (NFMA), the IPNF Forest Plan, as well as the Administrative Procedures Act (APA).

### **1. The EA and the Proposed Action do not comply with the HFRA and NEPA**

#### *Suitable Lands Under the HFRA*

Lands on which hazardous fuel reduction projects may occur under the HFRA are limited to:

- 1) The wildland-urban interface areas of at-risk communities;<sup>1</sup>
- 2) All condition class 3 lands, as well as condition class 2 lands within fire regimes I, II or III, that are in such proximity to a municipal watershed or its feeder streams that a significant risk exists that a wildfire event will have adverse effects on the water quality of the municipal water supply or the maintenance of the system;<sup>2</sup>
- 3) Where windthrow or blowdown or the existence of an epidemic of disease or insects significantly threatens ecosystems or resources;<sup>3</sup>

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<sup>1</sup> HFRA Section 102(a)(1). See footnote 30 for definition of at-risk community and footnote 31 for wildland-urban interface.

<sup>2</sup> HFRA Sections 102(a)(2) and (3). HFRA defines “municipal water supply system” as “the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.” (Section 101)

<sup>3</sup> HFRA Section 102(a)(4).

- 4) Areas that have threatened and endangered species habitat, where the natural fire regimes are important for (or where wildfire poses a threat to) the species or their habitat and the fuel reduction project will enhance protection from catastrophic wildfire (and complies with applicable guidelines in management or recovery plans).<sup>4</sup>

Aside from the fuels treatments specified in the EA, the EA fails to provide documentation supporting the suitability under HFRA for each acre proposed for logging treatments in the Bottom Canyon area. Failure to document and analyze suitability in the EA is inconsistent with the above HFRA direction. Failure to disclose this is arbitrary, capricious, and in violation of the APA and NEPA.

### *Range of Alternatives*

The HFRA sets out new NEPA requirements for the range of alternatives to be considered in projects authorized under the Act:

- 1) Within 1½ miles of the boundary of an at-risk community, federal agencies are not required to analyze any alternative other than the proposed action unless it is different than the recommendations contained in the applicable community wildfire protection plan related to proposed locations and methods of treatment, in which case both alternatives must be described.<sup>5</sup>
- 2) For areas beyond 1½ miles of the boundary of an at-risk community, but that are within the Wildland Urban Interface (“WUI” as described in a community wildfire protection plan), federal agencies are not required to analyze more than the proposed agency action and one additional action alternative.<sup>6</sup>
- 3) For authorized projects in areas not encompassed by the previous two categories of land, the environmental analysis must describe the proposed action, a no action alternative, and an additional action alternative, if one is proposed during

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<sup>4</sup> HFRA Section 102(a)(5).

<sup>5</sup> HFRA Sections 104(d)(2) and (3). HFRA defines an at-risk community as one:

(A) That is comprised of: (i) an interface community as defined in the notice entitled ‘Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire’ issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or (ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land; (B) In which conditions are conducive to a large-scale wildland fire disturbance event; and (C) For which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

<sup>6</sup> HFRA Section 104(d)(1). HFRA defines wildland-urban interface (Section 101) as an area within or adjacent to an at-risk community that has been identified by a community in its wildfire protection plan or, for areas that do not have such a plan, an area extending; 1) ½ mile from the boundary of an at-risk community, or 2) more than 1½ miles when other criteria are met e.g. a sustained steep slope or a geographic feature aiding in creating an effective firebreak or is condition class III land, or 3) is adjacent to an evacuation route.

scoping or the collaborative process. This additional alternative must still meet the purpose and need of the project. If more than one additional alternative is proposed, the agency will select which one to consider and provide a written record describing the reasons for the selection.<sup>7</sup>

The Bottom Canyon EA fails to provide adequate supporting documentation for each acre in the Bottom Canyon project area that prescribes which category of WUI those acres fall into (i.e. within 1.5 miles of the boundary of a community, outside of 1.5 miles but within the interface as defined by the CWPP, and areas outside of those). Congress was very specific in describing where HFRA projects were to be implemented, largely because of the potential to abuse the process. Failure to provide the public adequate documentation of the HFRA suitability of each acre outside of WUI for this project is in conflict with Congress' specific and constraining language regarding suitable areas for implementing authorized HFRA projects.

The failure to meet this HFRA suitability requirement in the Bottom Canyon EA could be rectified in a revised EA that adequately addresses HFRA suitability, and provides for public review and comment to be consistent with the intent of HFRA and NEPA.

#### *Old Growth*

The HFRA of 2003 contains old growth protection language that the Forest Service is required to follow. In several substantive ways the HFRA old growth protection requirements are more substantial than that of the NFMA, the IPNF Forest Plan, and other laws.

The HFRA requires the Forest Service “to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.”<sup>8</sup>

The HFRA provides that old growth protections contained in management plans established on or after December 15, 1993 are deemed to be sufficient to meet the requirements of the HFRA and will be used by agencies in carrying out hazardous fuels treatment projects under the Act.<sup>9</sup> The HFRA **does not** require resource management plans to be reviewed or amended if they were put in place between December 15, 1993 and December 3, 2003. The direction in such plans is deemed by HFRA to be sufficient to meet the Act's requirements.

Resource management plans amended or revised after enactment of HFRA (December 3, 2003) must meet the old growth requirements if authorized projects under HFRA are to occur under those plans.<sup>10</sup>

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<sup>7</sup> HFRA Section 104(c).

<sup>8</sup> HFRA Section 102(e)(2).

<sup>9</sup> *Id.*

<sup>10</sup> *Ibid.*

## *Large Trees*

The HFRA requires that covered projects outside of old growth focus “largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type;” and, maximize “the retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resilient stands.”<sup>11</sup>

The fact that on average over 12,000 board feet per acre would be logged from the 2,272 acres in the Bottom Creek project area indicates that large trees would be logged from a number of proposed logging units.

The EA on page 50 confirms that large tree, including trees greater than 21 inches in diameter, would be logged with either Alternative 2 or 3. “Alternatives 2 and 3 propose harvest or rehabilitation activities on approximately 915 acres of these potential future old growth acres.”

Objector contends the proposed logging of 915 acres that include 10 or more large diameter trees per acre is in direct conflict with the HFRA requirement for large tree retention.

## **2. The Cumulative effects analysis is inadequate under NEPA**

NEPA mandates that the FS adequately disclose and provide an adequate analysis of the direct, indirect, and cumulative effects of the proposed action and alternatives. Objector argues here that the FS failed to adequately disclose and analyze the direct and indirect effects of important aspects of the proposed action.

“Cumulative impact” is defined in NEPA as, “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future action regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”<sup>12</sup>

The Courts are clear on what they expect from Agencies when preparing a legally sufficient cumulative effects analysis. A “meaningful” analysis of cumulative effects, “should identify (1) the area in which effects of the proposed project will be felt; (2) the impacts that are expected in the area from the proposed project; (3) other actions- past, proposed, and reasonably foreseeable – that have had or are expected to have impacts on the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.”<sup>13</sup>

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<sup>11</sup> *HFRA Section 102(f)*.

<sup>12</sup> 40 CFR 1508.7

<sup>13</sup> City of Carmel-By-The-Sea v. U.S. Department of Transportation, 95 F. 2d 892, 902 (9<sup>th</sup> Cir. 1996).

“Significance” is defined by NEPA as an action that includes: “impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial”, 40 C.F.R. §1508.27(b)(1), “Unique characteristics of the geographic area such as proximity to.....ecologically critical areas”, 40 C.F.R. §1508.27(b)(3) “The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks”, 40 C.F.R. §1508.27(b)(5) “Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.” 40 C.F.R. §1508.27(b)(7). “Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment” 40 C.F.R. §1508.27(b)(10).

The EA lists the project area as approximately 11,000 acres. On page 18 of the Bottom Canyon Hydrology Report the size of the Burnt Cabin Creek watershed is shown as approximately 20,576 acres and the Iron Creek watershed is shown as approximately 28,183 acres.

The EA on page A-3 of Appendix A includes table A-2. This table lists the number of acres of various logging treatments in the Bottom Canyon project area. Over 3,900 acres received various logging activities since the 1980’s.

Chapter 3 of the EA on page 47 lists 5 proposed openings that would exceed 40 acres with both Alternatives 2 and 3. The proposed openings include a 142 acre opening, a 120 acre opening, a 95 acre and a 89 acre opening.

There have been previous timber sales in the project area, including more recent sales that include Barney Rubble’s Cabin (BRC) and Barney Rubble’s Cabin salvage. The 1992 BRC EA lists the size of the BRC resource area as 17,000 acres. It is likely most if not all of the proposed Bottom Canyon logging is located within the 17,000 acre BRC project area.

The 1992 BRC EA on page 9 of Chapter 3 describes previous logging in Compartments 301, 305-7, and 306. Over 9,300 acres of logging occurred in these Compartments since the 1950’s, of which approximately 4,238 acres had regeneration logging. The Bottom Canyon cumulative effects analysis area would likely include all of the acres located in the Compartments cited.

The 1993 BRC EA Supplement described the logging that would occur with Alternative D. There would be 32 cutting units with 349 acres regenerated, page 8 of the Supplement.

The 1996 BRC Salvage Area DN lists 216 acres of logging in 46 units, page DN-3. The estimated volume per acre that was to be removed was as high as 35.7 MBF, page DN-5.

One of the References cited on page 50 of the Hydrology Report is Reid and Hilton, 1988. There was an additional paper by Reid that was presented at the Conference on Coastal Watersheds: The Caspar Creek Story. The title of the paper was Cumulative

Watershed Effects: Caspar Creek and Beyond. [The papers are found in the May 1998 Pacific Southwest Research Station document PSW-GTR-168.]

On page 118 of the paper the following statements are found. “A cumulative watershed impact is a cumulative impact that influences or is influenced by the flow of water through a watershed” and “Changes in the water-related transport of sediment, woody debris, chemicals, heat, flora, or fauna can result in off-site cumulative watershed impacts.”

On page 122 of the paper the following statement is made regarding significant cumulative impacts. “The Environmental Protection Agency’s listing of waterways as impaired under section 303(d) of the Clean Water Act would thus constitute documentation that a significant cumulative impact has already occurred.” The CWA impaired Little North Fork Coeur d’Alene River confirms that significant cumulative impacts currently exist.

Additionally, in *Lands Council V. Powell* (No. 03-35640 C.C. No. CV-02-00517-EJL, 9<sup>th</sup> Cir, 2004) the Court found that when the cumulative effects analysis:

“[C]ontains only vague discussion of the general impact of prior timber harvesting, and no discussion of the environmental impact from past projects on an individual basis, which might have informed analysis about alternatives presented for the current project” it is, “inadequate” because the cumulative effects analysis, “Must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment. ...Although the agency acknowledged broad environmental harms from prior harvesting, the data disclosed would not aid the public in assessing whether one form or another of harvest would assist the planned forest restoration with minimal environmental harm. For the public and agency personnel to adequately evaluate the cumulative effects of past timber harvests, the Final Environmental Impact Statement should have provided adequate data of the time, type, place, and scale of past timber harvests and should have explained in sufficient detail how different project plans and harvest methods affected the environment. The Forest Service did not do this, and NEPA requires otherwise.”

Objector argues the Bottom Canyon EA fails to accurately and rigorously analyze the aquatic cumulative effects to the CWA impaired watersheds within and downstream of the project area as required by the court case cited.

## **2. Violation of Idaho Water Quality Standards:**

Idaho WQS at IDAPA 58.01.02.054 contains regulations that apply to water bodies that do not fully support designated or existing beneficial uses, and do not meet Idaho WQS. The TMDL regulations at 054.04 for a high priority water quality limited water body require that the total load must remain constant or decrease within the watershed until the TMDL process is completed.



Idaho WQS at IDAPA 58.01.02.050 require protection of waters of the state, and require existing beneficial uses of the waters of the state will be protected.

Idaho WQS at IDAPA 58.01.02.080.01 and 01a state that no pollutant shall be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that will or can be expected to result in violation of the water quality standards applicable to the receiving water body or downstream waters. Idaho WQS at IDAPA 58.01.02.003 describes nonpoint sources activities as including silviculture activities and runoff from storms or other weather related events.

Federal regulations at 40 CFR Part 131 at 131.3(h) define water quality limited segment as the following. *“Water quality limited segment means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-bases effluent limitations required by sections 301(b) and 306 of the Act.”*

On page 8 of the Bottom Canyon EA it is indicated there are sediment and temperature TMDLs for the North Fork Coeur d’Alene River Subbasin. Among the sub-watersheds included in the sediment and temperature TMDLs is the Little North Fork Coeur d’Alene River, page 44 of Idaho DEQ Subbasin Assessment and TMDL loads of the North Fork Coeur d’Alene River (17010301) dated November 2001. The executive summary of the DEQ document, page one, included the following statements. “Sediment modeling and supporting information demonstrates a systemic sediment problem in the North Fork Coeur d’Alene watershed. Since the most downstream segments of the watershed are sediment impaired and all upstream watersheds contribute at least in part to the sediment load, the assessment recommends a subbasin-wide sediment TMDL.”

On page 55 of the DEQ document, table 20 lists sediment impaired stream segments of the North Fork Coeur d’Alene watershed. Included in the list is Burnt Cabin Creek from the headwaters to the Little North Fork CDA River, along with the headwaters Little North Fork to Laverne Creek.

Additionally, on page 44 of the DEQ document, table 18 lists the estimated background (tons/year) sediment and sediment delivery in the Little North Fork sub-watershed. The estimated background is shown as 2,488.2 tons/year, and the estimated sediment delivery is shown as 6,644.7 tons/year. The percent above background is listed as 167.0%.

On page 66 of the DEQ document, table 32 lists the sediment reductions required to meet TMDL goals for the subbasins of the North Fork Coeur d’Alene River. For the Little North Fork, the required reduction is 2,899 tons/year. The Idaho DEQ 2012 Final Integrated Report includes the Category 4a section listing approved TMDLs. In 4a the length of Burnt Cabin Creek and tributaries is shown as 12.97 miles.

In contrast to the sediment delivery figures in the DEQ 2001 TMDL document, the Bottom Canyon Hydrology Report on pages 23 and 37, tables 4 and 15 contain vastly different sediment numbers. Total project area current sediment delivery, which is shown

as the Burnt Cabin Creek portion of project area as well as the Iron Creek portion area, is shown as 32,293 kg/yr. On page 23 it is indicated that no sediment is being released from forest lands in the project area. "It is therefore assumed that all current project area sediment delivery is due to road activities." This statement would therefore indicate no sediment whatsoever is being released from any steep slopes or south facing slopes in the entire project area.

Webster's 9<sup>th</sup> new collegiate dictionary lists a kilogram (kg) as being approximately 2.2046 pounds. Therefore it appears the figure of 32,293 kg/yr would equal approximately 71,193 pounds of sediment per year. Is it in fact possible that for the entire Bottom Canyon project area the current sediment deliver is just over 71,000 pounds per year?

The Hydrology Report on page 31 lists the sediment reductions that would occur with both Alternatives. For Alternative 3 the reduction is shown as 11,085 kg/yr. This equals approximately 24,427.00 pounds per year or less than 13 tons per year. The following sentence is found on page 31 concerning sediment delivery to the streams from the proposed logging of 2,272 acres. "Modeling results indicate the proposed harvest would not increase sediment delivery to streams over existing conditions."

In the discussions with Idaho DEQ personnel concerning the Bottom Canyon project, did they confirm the sediment delivery and sediment reduction figures cited in the Hydrology Report are in fact accurate? If Idaho DEQ personnel supported the figures cited, a copy of the DEQ correspondence needs to be included as part of the official record.

Objector will show the model being used to calculate sediment release from forest lands with Alternative 3 does not accurately account for the sediment that would be transported off of the hillslopes. Objector contends there would be an increase in sediment to the sediment impaired stream segments. The release of additional sediment does not comply with Idaho WQS, in particular the TMDL requirements at IDAPA 58.01.02.054.04.

Objector contends the proposed activities would result in a violation of Idaho WQS at IDAPA 58.01.02.050.02a and 2b.

Objector contends the sediment released as a result of the proposed logging and road construction activities would be in violation of IDAPA 58.01.02.051.01, and IDAPA 58.01.02.054.04.

Objector also contends the discharge of the pollutant sediment violates Idaho WQS and thus would result in the violation of IDAPA regulation 58.01.02.080.01a and 01b.

#### **4. Clean Water Act (Public Law 92-500)issues:**

On page 18 of the Draft DN it is stated the Bottom Canyon project is meeting Clean Water Act requirements.

The CWA at 40 CFR Part 130 at 130.12(c) requires that each department of the Federal Government that is engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with all Federal and State requirements, process and sanctions respecting the control and abatement of water pollution in the same manner and extent as any non-governmental entity in accordance with section 313 of the CWA.

Objector contends any discharge and runoff of the pollutant sediment by the Forest Service with the Bottom Canyon Project would be a violation of the CWA at 40 CFR 130.12(c)

The CWA at 40 CFR Part 131 Water Quality Standards at 131.3(h) defines water quality limited segment. *“Water quality limited segment means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b) and 306 of the Act.”*

Water quality standards are defined at 131.3(i). *“Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.”*

Objector contends the sediment released by Bottom Canyon Project will negatively impact water quality limited segments as defined by the CWA.

Objector contends the Bottom Canyon project is not in compliance with the requirements of the CWA, including the antidegradation policy, 40 CFR 131.12.

Objector contends the proposed Bottom Canyon does not serve the purposes of the Act due to the discharge and runoff of pollutant sediment that will occur as a result of the proposed logging and new road construction.

#### **5. Aquatics analysis/NEPA violations:**

As has been noted the Bottom Canyon Hydrology Report on page 23 indicates there currently is no sediment being released from forest lands. The exact statement on page 23 is as follows. “The results from the WEPP modeling showed no upland erosion delivering sediment to project area streams.”

Also on page 37 of the Hydrology Report the following statement is found. “As discussed in the Direct and Indirect Effects section, the proposed vegetation management activities would not introduce any new sediment to the project area creeks.”

Discussions concerning WEPP are found on page seven of the Hydrology Report. Concerning the model and sediment yield and sediment delivery issues, it is stated in the discussions, “True erosion rates are highly variable due to large variations in local topography, climate, soil properties, and vegetative properties, so predicted values are only a single estimate of a highly variable process (Elliot et al. 1999, Hydro-R010)”. On page seven, (Miller 2014, Hydro-R024) is also cited.

Neither the EA nor the Hydrology Report mention there are other limitations and requirements associated with the WEPP model. The March 2013 edition of Transactions of the ASABE, vol. 56(2) includes a paper by W.J. Elliot concerning the WEPP model, pages 563-579. On page 573 of the paper there are discussions regarding limitations of the size of a watershed that can be modeled. On page 575 of the paper there is a section that concerns validating the model. Validation issues discussed include locations of various monitoring equipment in large watersheds and calibrating the model when there are snow issues present.

NEPA at 40 CFR 1500.1(b) requires accurate scientific analysis and expert agency comments. Objectors contend the use of the WEPP model to calculate sediment releases associated with Alternative 3 does not meet the scientific requirements of 40 CFR 1500.1(b). Previous FS NEPA documents, such as the 1987 Hudlow EA addendum, page five and Chapters 3 and 4 of the BRC EA, have clearly shown that sediment has been released from logging operations. This is especially apparent during heavy precipitation events and rain on snow events where there are steep slopes and south facing slopes in rain on snow zones.

Another FS document also addressed the issue of logging and sediment. The 1997 Wallace and Fernan Ranger Districts Watershed Rehabilitation EA on page 11 included the following statements. "Activities such as timber harvest, splash dams, flumes and road building have affected hillslope hydrologic and stream channel processes in much of the Coeur d'Alene River basin. The degree to which channel function has been impaired is largely dependent on harvest intensity, hillslope location, and years since disturbance." On page 14 of the EA logging and sediment issues are also addressed. "Past management practices have severely degraded the Coeur d'Alene River Basin."

NEPA at 40 CFR 1502.24 requires scientific integrity of the discussions and analyses in NEPA documents. Objector contends the WEPP model used by the Forest Service to support the statements on pages 23 and 37 of the Hydrology Report does not exhibit a high level of scientific integrity as required by NEPA at 40 CFR 1502.24.

### **Request for Relief**

Due to the potential violations of Federal and State laws and regulations cited the objector requests relief in the form of instruction to the IPNF that:

The Bottom Canyon Project is to be in full compliance with the HFRA and all inconsistencies with HFRA and all other laws and regulations, as mentioned in this Objection, be remedied. The Action Alternatives needs to be analyzed in a Revised EA,

with a new Proposed Alternative that will comply with all applicable Federal laws including; NEPA, NFMA, CWA, as well as the ARA, and APA, IPNF Forest Plan, and State of Idaho WQS.